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3L's Destined for Law Firms, Placement Office Study Shows

By Tammy Jacobs

Following well-established patterns, the vast majority of the 3L class seems headed for law firms, according to early Placement Office information.

According to an interim report released this week, 272 students out of the 363 reporting to the Placement Office are headed for the firms. There are some 526 third-year students, give or take a

few attending school elsewhere but earning Harvard degrees.

Of 549 second-year students, 415 have reported in on summer jobs. Of those, 50 are working two jobs this summer, with a resultant 443 law firm jobs recorded for 2Ls.

Placement Office personnel emphasize that the figures are preliminary, and will firm up later this year as the office makes its second and third studies of where HLS grads go.

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Palsgraf Kin Tell Human Side Of Famed Case

By Jorie Roberts

For decades law students have been amazed over the extraordinary chain of events which occurred in *Palsgraf v. Long Island R. R. Co.* (248 N.Y. 339, 162 N.E. 99, 1928).

The case was brought by Helen Palsgraf against the Long Island Railroad when she was injured by a falling scale which was knocked over by exploding firework's. According to the facts as stated in Justice Benjamin Cardozo's New York Court of Appeals opinion, the fireworks exploded when employees of the railroad knocked a small package onto the tracks while hurriedly helping a tardy passenger to board a departing train.

Because of Cardozo's majority opinion and Justice William Andrews' dissent, the case has achieved landmark significance. The two opinions clearly outlined the two theories of proximate cause: Cardozo held that the railroad company was not liable because Mrs. Palsgraf's injury was too remote and thus not within the scope of the risk of the railroad employees' actions, while Andrews believed that the railroad's employees should be liable for any results of their negligence, no matter how unforeseeable, if there was a continuous sequence between the employees' actions and Mrs. Palsgraf's injury.

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The 25 graduating classes of HLS women aren't the only ones joining in the Celebration 25 festivities. Even Justice Joseph Story is getting into the spirit of the event which culminates this weekend.

Palsgraf Relatives Say Case Still Makes Them Well Known

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The basic facts and decisions of the Palsgraf case have been included in most Torts casebooks since the late 1930s. However, in order to provide a broader understanding of the case, the RECORD has delved into the background and the aftermath of the case both through examinations of newspaper articles and the record of the case and through interviews with Mrs. Palsgraf's grandson Charles Palsgraf, her daughter Lilian Palsgraf Farmer, and her daughter-in-law Martha Palsgraf.

Fireworks Created Panic

On Monday, August 25, 1924, the *New York Times* carried the news of the explosion in a single column on its front page. In describing the incident, the article stated: "The explosives were dropped by a man as he tried to fight his way on to the train in the midst of a pushing crowd of men, women, and children. He and two companions, said by the police to be Italians, disappeared in the panic that followed."

The article went on to describe the scene of the accident in detail. "The explosion, which was heard for several blocks, occurred at 11:25, when the congestion of the excursionists (headed for the Rockaways and Long Island resorts) was at its height. When the express train pulled in, the crowd, eager to get seats, surged to the gate, jostling and pushing."

After the man dropped his package between the tracks, "there was a terrific roar, followed by several milder explosions, and a short-lived pyrotechnic display. The car nearest the explosion rocked and the windows crashed. The force of the detonation also ripped away some of the platform and overthrew a penny weighing machine more than ten feet away. Its glass was smashed and its mechanism wrecked."

Mrs. Palsgraf (misspelled

Palsgraf in the *New York Times* account) was among the 14 people listed as injured by the *Times*: the article stated that she had suffered from shock.

Police Found Explosives

The police later located one of the man's companion's packages, similar to the one dropped; it contained several fireworks about 16 inches long and several inches thick, as well as smaller explosives. The police concluded that the trio was headed for an Italian celebration on Long Island. Believing the man who dropped the package to have been jostled by the crowd, the police recorded the incident as an accident.

In 1924 Helen Palsgraf, age 43, was a domestic worker and house-wife. She and her three children — William, Elizabeth, and Lilian — lived in a Brooklyn basement apartment. To escape from the summer heat in the city, the Palsgrafs made frequent weekend excursions to Rockaway Beach.

Daughter Was Scared

On that hot Sunday morning, Mrs. Palsgraf, accompanied by her two daughters, had been waiting for the train. Elizabeth, then age 15, was at her mother's side when the scale fell, while 12-year-old Lilian had gone to buy a newspaper. Elizabeth died in 1971, but Lilian still lives on Long Island. She remembers turning, before she had purchased the paper, to see the package fall and then "lots of smoke." When asked if she was scared, Lilian Farmer replied "You Bet!" Farmer also stated that the scale was definitely knocked over by the explosion, rather than by the rushing crowd as was speculated at the trial. Finally, Farmer has vivid memories of the ambulances arriving and the confusion which followed the blast.

Mrs. Palsgraf later testified at

the trial that she was hit on her hip, arm, and thigh by the scale. According to the medical testimony, she also developed a stutter. Farmer states that her mother became mute for much of her life and had health problems until she died in October, 1945. She also developed diabetes later in life, which Farmer attributes to her mother's extreme shock.

Mrs. Palsgraf lived in Queens for the last 20 years of her life. As her daughter recalls, until her death she was upset over her failure to collect from the accident.

Case Brought Fame

Mrs. Palsgraf initially recovered \$6,000 from the railroad at the trial court, but the New York Court of Appeals overturned the trial court's award. As the statements of Mrs. Palsgraf's surviving relatives show, the case's long-term legacy to the Palsgraf family consists primarily of widespread recognition within the legal field.

Lilian Farmer said that visitors had frequently "knocked on the doors" of the Palsgraf family members during the 1940s and the 1950s, but that no one had contacted her about the case in the last 15 years. However, she had read the case in the torts book of a neighbor who was in law school.

Martha Palsgraf, who married Helen Palsgraf's son William, has also frequently aroused comments from lawyers when stating her name. When she applied for social security, one lawyer exclaimed to his partner: "You'll never guess who this woman is!" Martha Palsgraf's husband died in 1967 and she now lives on Long Island, near most of her eight children.

One of her sons, Frank Palsgraf, lives in Brooklyn. He shared with the RECORD several humorous anecdotes concerning reactions to his name. All through life, Palsgraf stated, people have been happy and surprised to meet him.

Frank Palsgraf encountered excited responses to his family name in the Navy Reserves and when having his will drawn up. In addition, he has sent messages to

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Lawyers Gasp When Meeting Real Palsgrafs

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lawyer parents of his acquaintances that "Frank Palsgraf says hello."

When finally called for jury duty, Frank Palsgraf stated that he was "treated like a celebrity by the Assistant District Attorney." The judge then informed the jury venire that "one jury member's family caused me many nights of hard studying in law school." Subsequently Frank Palsgraf was struck from the jury, primarily, he believes, because of his name.

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Rights Preceded U.S. Constitution, Henkin Says

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tion of the United States's place today in international rights. "Although we furnished the lead which the whole world followed, today we are not a pillar of the church, but a flying buttress. We stand outside the church and support it." The United States has resisted any changing of its own political order by the documents of the movement. Various covenants have rested dormant for 30 years, waiting for congressional acceptance. Those that have been accepted have had appended the explicit reservation that they will not change American law in any way.

Henkin argued that human rights began as constitutional rights. They sprouted out of the American experience. Yet today the movements appear to be growing farther and farther apart. Henkin urged a greater and wider awareness of their differing fundamental doctrines and outlined some steps to bring the two movements closer together.

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